

REMARKS

Claims 1-2, 4-9, 11-17 and 19-28 are pending in this application. Claims 1, 8, and 16 have been amended. The Applicants respectfully assert that no new matter has been added, and all of the claims of the patent application are patentable. For the reasons stated below, the Applicants respectfully assert that the application should be allowed.

Claim Rejections Under 35 U.S.C. § 102(e)

According to the Office Action mailed on April 3, 2007, Claims 1-2, 4-9, 11-17, and 19-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,078,907 to Lamm ("*Lamm*"). *Lamm* discloses a system and method for preparing and electronically delivering a bill to a billed party. In *Lamm*, a consumer must first register and enroll with the electronic payment system before the user can receive a bill through the electronic payment system. (See *Lamm*, Col. 8, line 56 to Col. 10, line 15). As part of the registration process, software is installed and stored on a consumer's computer, and the user supplies registration information to the payment system and to billing parties that use the electronic payment system. (See *Lamm*, Col. 9, line 8 to Col. 10, line 11). Also during the registration process, the consumer establishes identifier codes (such as a fund source identifier code), which are used to identify the consumer and the consumer's specified funding source. (See *Lamm*, Col. 9, line 58 to Col. 10, line 5).

After registration and enrollment is complete, the electronic payment system may then send an electronic bill file to the consumer's computer where selected secured billing information contained in the bill file is redacted before being sent to the consumer's computer. (See *Lamm*, Col. 10, line 13 to Col. 12, line 15). Upon receipt of the redacted bill file, the consumer's computer reconstructs the bill by inserting selected secured billing information and standard bill components, which were stored on the consumer's computer during the installation and enrollment process. (See *Lamm*, Col. 12, line 16 to Col. 15, line 9). The reconstructed bill appears on the consumer's computer screen in a form resembling the paper bills that the consumer customarily receives. (See *Lamm*, Col. 17, lines 1-3).

Once the reconstructed bill has been presented to the consumer, the consumer may then provide payment instructions to the electronic payment system. (*See Lamm*, Col. 15, line 11 to Col. 16, line 51). The payment instructions do not include any secured billing information (e.g., the consumer's name, credit card number, bank account number, etc.), rather the payment instructions supply the funds source identifier code(s) established for the user during the enrollment process. (*See Lamm*, Col. 15, line 11 to Col. 16, line 51). In response to receiving the funds source identifier code(s), the electronic payment system effects payment to the billing party by utilizing the payment method corresponding to the funds source identifier code specified by the consumer during enrollment. (*See Lamm*, Col. 15, lines 46-62).

The Applicants respectfully contend that *Lamm* does not teach, suggest or motivate all of the limitations of the pending claims. Specifically, *Lamm* fails to teach, suggest or motivate the following claim recitations of amended independent Claim 1:

receiving, by a payment service provider during an enrollment session over a network, . . . a payment request to execute a payment on behalf of the network user, the network user not having previously enrolled with the payment service provider; . . .

directing, by the payment service provider, a debit from the identified payment account associated with the network user to execute the payment during the enrollment session and without the payment service provider receiving the unique user identifier from the network user.

(emphasis added).

While *Lamm* discloses an enrollment session process where a user installs software on the user's computer and provides registration information to the electronic payment system over a network, as part of the enrollment process in *Lamm* the user must also enroll with billing parties that use the electronic payment system before the billing party can even send the user a bill. Therefore, only after the enrollment process is complete, is the user even capable of being

presented a bill over the electronic system, let alone submit payment instructions for that bill. Thus, *Lamm* does not teach or suggest “directing, by the payment service provider, a debit from the identified payment account associated with the network user to execute the payment during the enrollment session . . .”, as required by amended independent Claim 1. (emphasis added).

Moreover, in *Lamm*, when the consumer wants to pay the bill they receive from the electronic payment system, the consumer submits payment instructions include an identifier established by the consumer during the enrollment process. The identifier is used to avoid having to send sensitive information over the Internet, while still allowing the electronic payment system to identify what consumer sent the payment instructions and what funding source - pre-established by the consumer during enrollment - to use to make the payment. Therefore, *Lamm* does not teach or suggest “directing, by the payment service provider, a debit from the identified payment account associated with the network user to execute the payment during the enrollment session and without the payment service provider receiving the unique user identifier from the network user”, as required by amended independent Claim 1. (emphasis added).

The ability to submit a payment request contemporaneously with user enrollment and without the payment service provider receiving a unique identifier from the network user allows for the immediate processing of payments during the enrollment session, which provides desirable efficiencies and an added convenience to the network user.

Therefore, the Applicants respectfully assert that amended independent Claim 1 is not anticipated by *Lamm* and is in condition for allowance. The Applicants further respectfully assert that amended independent Claims 8 and 16 are also in condition for allowance for at least the same reasons as amended independent Claim 1. Additionally, each of the pending dependent claims are allowable as a matter of law as being dependent on allowable base claims, notwithstanding the independent recitation of patentable subject matter that may be described in one or more of the dependent claims. Therefore, allowance of the pending claims is respectfully solicited.

The Dependent Claims

In addition to the distinctions discussed above with respect to amended independent Claims 1, 8, and 16, various dependent claims also include limitations that are not disclosed by *Lamm*. For instance, dependent Claim 27 includes the limitation of "evaluating at least one risk factor relating to the network user to determine acceptable level of risk in accepting payment from the network user." Nowhere in the *Lamm*, does it disclose evaluating risk factors associated with the network user during an enrollment session in order to accept a payment contemporaneously with the enrollment session. Therefore, in addition to being allowable as a matter of law as depending from one of amended independent Claims 1, 8, and 16, dependent claims, such as Claims 27, may also be allowable for their independent recitation of patentable features.

For at least the above stated reasons, *Lamm* does not anticipate any of the pending claims. Therefore, allowance of the pending claims is respectfully solicited.

Applicant: Ganesan et al.
Filed: December 28, 2000
Application No.: 09/749,597
RESPONSE TO OFFICE ACTION MAILED 04/03/2007

CONCLUSION

The Applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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Date: August 3, 2007
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